

REMARKS

In response to the Office Action dated August 25, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Claims 1, 3-9 and 11-20 are pending in the present Application, with claims 5 and 13 having been cancelled in this Response. Claims 1 and 9 are amended

Support for the amendments can at least be found in the specification, the figures, and the claims as originally filed. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks. The Examiner's various objections and rejections will now be addressed in turn.

Claim Objections

The Examiner objects to claims 1 and 9 for reciting an "inferior face" as opposed to an "interior face." In response, Applicant respectfully amends the claims.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claims 1, 3-9, and 11-20 are rejected for allegedly being indefinite because the term "completely out of alignment" is allegedly not sufficiently described in the original disclosure. Though Applicant does not agree with this allegation, the Applicant respectfully removes this phrase from the claims.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3-9, 11-16, 18, and 20 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. patent 5,004,120 to Hembert (hereinafter "Hembert") in view of U.S. patent 4,815,605 to Brisser (hereinafter "Brisser") and U.S. Patent No. 4,867,348 to Dorfman (hereinafter "Dorfman"). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to

modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1 and 9 are amended to recite, *inter alia*,

“wherein the shell has, at an end corresponding to the side wall of the container, a first wall roughly parallel to an axis of the container and, at an end corresponding to a top of the dome of the container, a second wall perpendicular to the axis, the first and second walls meeting in the form of a rounded zone, wherein the annular projection is formed on the dome wall.”

As the Examiner states at page 4 of the Office Action, neither Hembert nor Brisser teach an annular projection. Thus, the most pertinent art is Dorfman, which Applicant will now address in light of the above claim element.

Dorfman does not teach a shell wall that runs substantially perpendicular to an axis of the container. Instead, Dorfman teaches a support member 32 that includes a rim portion 42 that partially protects a dispensing means 22 and includes a recess 44 (see column 5, lines 41-43). As such, since Dorfman does teach a wall perpendicular to the axis of the container, Dorfman certainly does not teach an annular projection formed on a wall perpendicular to the axis of the container.

Furthermore, Dorfman does not teach a rounded zone of greatest volume, as is also recited in Applicant's claims 1 and 9.

As such, Dorfman does not teach every element of Applicant's claims 1 and 9, or claims 3-8, 11-16, 18, and 20 that depend therefrom. Accordingly, since neither Hembert nor Brisser remedy this deficiency of Dorfman (neither Hembert nor Brisser teach an annular projection at all) Applicant respectfully submits that Applicant's claims are not obvious over the proposed combination of Hembert, Brisser, and Dorfman.

Applicant notes that the annular projection of Applicant's disclosure provides a benefit or

inventive step over the prior art in the projection's ability to absorb vertical and oblique droppages.

Claims 17-19 are also rejected under 35 U.S.C. §103(a) as being obvious over Hembert, Brisser, and Dorfman, in view of Dulisse, U.S. Patent No. 6,793,095 (hereinafter "Dulisse"). However, Applicant respectfully asserts that Dulisse does not remedy the deficiencies of Hembert, Brisser, and Dorfman as they are discussed above and relate to claim 9. Thus, as claims 17-19 depend from claim 9, Applicant respectfully asserts that claims 17-19 are not unpatentable over the proposed combination of Hembert, Brisser, Dorfman, Dulisse.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Daniel R. Gibson
Reg. No. 56,539
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

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